

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHNNEY AL OSBORNE, JR.,
Plaintiff,

CV. 05-641-HA
ORDER

v.

JEAN HILL, et al.,
Defendants.

HAGGERTY, District Judge.

On September 15, 2005, plaintiff filed a Motion for Summary Judgment (#22) which was unaccompanied by a certificate of service. A party submitting a written motion to the court is required to serve the motion "upon each of the parties" to the lawsuit. Fed. R. Civ. P. 5(a). Because plaintiff has not submitted proof of service, his Motion for Summary Judgment is DENIED, without prejudice to his right to refile the Motion so long as he serves a copy of the Motion on counsel for defendants.

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CONCLUSION

Plaintiff's Motion for Summary Judgment (#22) is DENIED for lack of service. The denial is without prejudice to plaintiff's right to refile the Motion so long as he serves a copy of the Motion on counsel for defendants.

IT IS SO ORDERED.

DATED this 16 day of November, 2005.

/s/Ancer L.Haggerty

Ancer L. Haggerty
United States District Judge